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RUSSIA. No. 1 (1893).

CORRESPONDENCE

RESPECTING

AN AGREEMENT FOR THE PROTECTION OF RUSSIAN SEALING INTERESTS

IN THE

NORTH PACIFIC OCEAN

DURING THE YEAR 1893.

Presented to both Houses of Parliament by Command of Her Majesty.
June 1893.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY HARRISON AND SONS, ST. MARTIN'S LANE,
PRINTERS IN ORDINARY TO HER MAJESTY.

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Correspondence respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific Ocean during the Year 1893.

No. 1.

Colonial Office to Foreign Office.—(Received January 6.)

(Extract.) *Downing Street, January 6, 1893.*

I AM directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a telegram from the Governor-General of Canada, inquiring on behalf of the Canadian sealers in what part of the North Pacific, especially on the Asiatic side, they may pursue their industry during the season for which preparations are now in progress.

Inclosure in No. 1.

Lord Stanley of Preston to the Marquis of Ripon.

(Telegraphic.) *December* 31, 1892.

OWNERS of sealing-vessels and others engaged in sealing industry in Canada ask for views of Her Majesty's Government touching their rights as to sealing during next season: they desire to know what waters of North Pacific Ocean are open to them for sealing purposes, especially on Asiatic side, and within what limits they may count upon protection. Answer urgently required, if possible by telegram, as time for fitting out vessels is now at hand. Despatch follows by mail.

No. 2.

Colonial Office to Foreign Office.—(Received January 17.)

Sir, *Downing Street, January* 17, 1893.

WITH reference to the letter from this Department of the 6th instant respecting the inquiry of the British Columbia Sealers' Association as to the limits within which they may pursue their industry during the approaching season, I am directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor-General of Canada, inclosing an approved Minute of his Privy Council on the subject of the Memorial of the sealers.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 2.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *Government House, Ottawa, December* 31, 1892.

I HAD the honour to send to your Lordship to-day a telegraphic message as follows, a translation of which is subjoined:—

[See Inclosure in No. 1.]

I have now the honour to inclose a copy of an approved Minute of Council on which the above telegram was based.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 2.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 26th December, 1892.

ON a Report, dated the 23rd December, 1892, from the Minister of Marine and Fisheries, submitting the appended communication from owners of sealing-vessels and others interested in the sealing industry, it will be observed that it was originally intended by the writers to send the communication to the High Commissioner for Canada, to whom it was addressed.

The Minister observes that the sealers refer to the restrictions which have been placed upon their industry. They describe the limited range for their occupation consequent upon the closure of Behring Sea, and express their uncertainty touching the extent to which the Asiatic waters may be used in consequence of the action of the Russian authorities during the past season entailing the loss of property and sacrifice of personal liberty.

They may, therefore, possibly be limited, in fact, to the coast catch, with, they say, the alternative of entirely abandoning the industry, which, they show, would entail the loss of capital, income, material and commercial connections to the owners, and the still more serious loss to the masters and crews and their families.

The Minister, touching the character of these memorialists, cheerfully testifies his opinion to be that they are law-abiding subjects of Her Britannic Majesty, and entitled to every reasonable consideration in the protection of their rights. They are naturally anxious to know authoritatively the views of Her Majesty's Government touching their rights, in order that they may be enabled to judge, in the approaching season, whether or not their vessels may safely be fitted out for the purpose of sealing. They desire especially to be informed within what limits they may now count upon protection.

The Committee, on the recommendation of the Minister of Marine and Fisheries, who states that, in his opinion, the request is most reasonable, advise that your Excellency be moved to cable Her Majesty's Government the substance of the communication from the sealers, with the request that your Excellency be advised speedily of the opinion of Her Majesty's Government.

The Committee further advise that your Excellency be moved to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies, for the consideration of Her Majesty's Government.

All which is respectfully submitted, for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

Sir, *Victoria, November 30, 1892.*

The Undersigned owners of sealing schooners, and others interested in the sealing industry, have the honour to lay before you the following statement, which should, perhaps, with more propriety, be forwarded through the officials at Ottawa. The next season is, however, near at hand, and time is precious; so to avoid the inevitable delay incident to formal transmission through official channels, we have thought fit to address you direct, trusting you will not consider that we have taken an unwarrantable liberty.

We would draw your attention to the fact that not only has much capital been invested in sealing schooners, their outfits, and the machinery necessary to deal adequately with the season's catch, when it has been safely brought to port, all of which is necessarily idle and unprofitable while the existing conditions are maintained, but that a large number of men, with their families and those dependent upon their exertions, are at present deprived of any opportunity of earning their living; for the coast catch, which is all that is now open to us, without the fear of seizure of our vessels and sacrifice of our personal liberty constantly before our eyes, is too limited in extent, and uncertain in nature, to enable us, without absolutely certain loss, to fit out vessels to engage in it alone. Even at the best it can never afford subsistence to a tithe of the fleet.

We are now debarred by the terms of the *modus vivendi* from operating in Behring Sea, and recent events on the Russian side have shown that the present limits are not clearly defined. We are therefore limited to the coasts of the Province of British Columbia and Alaska up to the Behring Sea, with the one alternative of going out of the industry altogether, and all that such a step entails, the loss of capital, income, material and commercial connections to the owners, and, what is still more serious, the loss of even their daily bread to the captains and crews, not to speak of their families and dependents, who, it goes without saying, can ill afford to bear such a reverse.

We are well aware that the public of Canada and England, far away from the scene of action, have been induced by the untiring efforts of interested persons in the United States, exerted through the newspaper press and by other means, to accept a distorted account of our proceedings, and that we are too generally looked upon as adventurers engaged in an illegal pursuit, to whom the protection of English law should be extended but scantily, if at all. It is not necessary to remind you, Sir, that these are far indeed from the facts; that we are, and always have been, law-abiding citizens, desirous to do nothing which might conflict with the maritime laws of England, the United States, or Russia, and particularly of that broader law known as the law of nations; that sealers as a class are peace-loving and orderly in their conduct, anxious only to earn an honest living in a straightforward fashion; and that, in the face of most difficult and disheartening circumstances, they have ever endeavoured to keep within the provisions of international law, always at their peril, and too often at their cost.

We are deeply interested to know what will be the attitude of the British Government next season, and whether we may safely fit out vessels for the purpose of sealing outside of Behring Sea; we are desirous of ascertaining the limit within which we shall be protected in the North Pacific Ocean, the Sea of Okhotsk, and the waters on the Russian side. In short, we wish to know where we can go, and where we cannot go, as at present there is great uncertainty on those points. It is of the utmost importance that we should know our position before the season commences in January next. We therefore beg that you will endeavour to obtain definitions of limits, and, if possible, assurances of protection from the British Government, and, for the benefit of all concerned, cause a telegram to be sent at the earliest possible moment to the Lieutenant Governor here, stating the result of your action.

We are deeply conscious that, in making this request, we are asking a good deal. The great importance of the question to us and ours must be our excuse.

We have, &c.

(Signed) E. B. MARVIN AND Co.
HALL, GOSPEL, AND Co.
C. J. KELLEY.
ELFORD E. SMITH.
A. D. LAING.
W. WALKER.
D. URQUHART.
BROWN BROS.

The Hon. Sir Charles Tupper, Bart., G.C.M.G., C.B., &c.,
High Commissioner, London.

No. 3.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, January* 18, 1893.

I TRANSMIT to your Excellency herewith copies of letters from the Colonial Office* relative to a Memorial received from the owners of sealing-vessels, and others in Canada engaged in the sealing industry, asking to be informed in what waters of the North Pacific Ocean, especially on the Asiatic side, they will be at liberty to pursue their fishing operations during the season for which preparations are now being made.

You are aware that the Russian Government declined to join in the arrangement come to between Great Britain and the United States in 1891, and renewed in 1892, for the suspension of sealing in a portion of Behring Sea, and Her Majesty's Government gathered from the language used at that time, and from previous published utterances of the Russian Government, that Russia made no claim to prohibit sealing in the waters adjacent to her territories, except within the ordinary and recognized territorial limit of 3 miles from the coast.

But the seizures of British vessels by the Russian authorities in Behring Sea during the course of last year, at considerable distances from land, render it expedient to arrive at some definite understanding of the attitude of the Russian Government in this respect.

I have therefore to request that your Excellency will inform the Russian Government of the application that has been made by the Canadian sealers. You will state that, in the opinion of Her Majesty's Government, which they doubt not will be shared by that of

* Nos. 1 and 2.

Russia, the memorialists ought in justice to receive early information as to the limits within which they may lawfully and safely pursue their industry.

As at present advised, Her Majesty's Government propose to inform them that the *modus vivendi* agreed upon between Great Britain and the United States having been prolonged during the pendency of the Arbitration on the questions in dispute between those two Powers, sealing will be entirely prohibited during the next season in the waters affected by that agreement, but that outside those waters sealing-vessels will be at liberty to pursue their avocation, provided that they are careful not to infringe the Russian Regulations, which strictly prohibit the pursuit of seals and other similar animals within 3 miles of the Russian coasts and islands.

Before making this communication, Her Majesty's Government think it right to inform the Russian Government, as a matter of courtesy, and in order to avoid the risk of misunderstanding.

They would wish to receive the earliest intelligence if the Russian Government make any objection to its terms, and I should be glad therefore to receive a Report from your Excellency on the subject by telegraph.

I am, &c.
(Signed) ROSEBERY.

No. 4.

Sir R. Morier to the Earl of Rosebery.—(Received January 31.)

My Lord, *St. Petersburgh, January 25, 1893.*

I HAVE the honour to transmit to your Lordship herewith a copy of the note I addressed to M. Chichkine on the 23rd instant with regard to sealing in the waters of the North Pacific Ocean, in compliance with the instructions contained in your Lordship's despatch of the 18th instant.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 4.

Sir R. Morier to M. Chichkine.

M. le Conseiller Privé, *St. Petersburgh, January 11 (23), 1893.*

I HAVE been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to your Excellency that Her Majesty's Government have received a Memorial from certain sealing captains actually engaged in preparations for the impending sealing season in the Behring Sea. These persons wish to be informed what waters of the North Pacific Ocean are open to them for sealing purposes, especially on the Asiatic side, and within what limits they may count upon protection. Her Majesty's Government are of the opinion, which they do not doubt the Russian Government will share, that these memorialists ought in justice to receive early information as to the limits within which they may safely pursue their industry.

As at present advised, Her Majesty's Government propose to inform them that the *modus vivendi* agreed upon between Great Britain and the United States having been prolonged during the pendency of the arbitration on the questions in dispute between these two Powers, sealing will be entirely prohibited to their respective subjects and citizens during the next season in the waters affected by that agreement; but that outside those waters sealing vessels will be at liberty to pursue their avocation provided they are careful not to infringe the Russian regulations, which strictly prohibit the pursuit of seals and other similar animals within 3 miles of the Russian coasts and islands.

Before making this communication to the memorialists, Her Majesty's Government think it right to inform the Imperial Government as a matter of courtesy, and in order to avoid the risk of misunderstanding.

Should the Russian Government make any objection to the terms of this reply, Her Majesty's Secretary of State would wish to receive the earliest intelligence of such objection, and I would therefore beg your Excellency to communicate with me on the subject at your earliest possible convenience.

I avail, &c.
(Signed) R. B. D. MORIER.

No. 5.

Sir R. Morier to the Earl of Rosebery.—(Received January 31.)

My Lord, *St. Petersburgh, January 25, 1893.*

I CALLED upon M. Chichkine to-day, and asked him whether he was in a position to give me an answer to the note I had addressed to him on Monday respecting the Memorial addressed to Her Majesty's Government by certain sealing captains, who inquired what waters of the North Pacific Ocean would be open to them for sealing purposes this season. His Excellency said that he would not be able to do so until my note had been returned from the Ministry of Domains, which was the Department which dealt with the question of sealing, and to which it had been sent. He would press its return, but there could be no doubt what the answer would be. The Russian Government were not at present raising the pretension of prohibiting seal fishing on the high seas, but were only determined to stop the resolute and organized attacks made upon the rookeries within her territorial waters. I said that the strongest warning would be given to British sealers to abstain from violating Russian territorial waters, and that Her Majesty's cruizers would be instructed accordingly.

His Excellency stated, incidentally, that he believed that in the case of the sealers captured last season, it would be found that none of them had been taken illegally, for if they had been seized outside territorial waters, it was after the clearest proof that they had just emerged from them. I said this was a matter of evidence in each particular case, which I could not attempt to judge; but that from the statements made by the Russian cruizers themselves, it was difficult to admit that the captures were lawful.

I have, &c.
(Signed) R. B. D. MORIER.

No. 6.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, February 4, 1893.*

I HAVE received your Excellency's despatch of the 25th ultimo, forwarding copy of a note which you have addressed to M. Chichkine on the subject of the limits within which sealing in Behring's Sea should be carried on during the approaching season.

The note which you have addressed to the Russian Minister on this question is approved by Her Majesty's Government.

I am, &c.
(Signed) ROSEBERY.

No. 7.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, February 4, 1893.*

I HAVE received your Excellency's despatch of the 25th ultimo, recording a conversation with M. Chichkine, in which you pressed for an answer to your inquiry as to the limits in which sealing might be carried on during the approaching season in the eastern portion of Behring Sea.

The language held by your Excellency on this occasion is approved by Her Majesty's Government.

I am, &c.
(Signed) ROSEBERY.

No. 8.

Colonial Office to Foreign Office.—(Received February 22.)

Sir, *Downing Street, February* 21, 1893.

I AM directed by the Marquis of Ripon to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch and its inclosures from the Governor-General of Canada respecting the inquiry of the British Columbian sealers as to the limits in the North Pacific, within which they may pursue their industry during the approaching season.

As the sealers will very soon be clearing from British Columbia, it is important that Her Majesty's Government should be in a position to return a reply to their inquiry at an early date, and I am to suggest that Her Majesty's Ambassador at St. Petersburgh should be instructed to press for an early intimation of the views and intentions of the Russian Government.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 8.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *Government House, Ottawa, January* 20, 1893.

I HAVE the honour to transmit herewith copy of an approved Report of the Privy Council, submitting a communication from the British Columbia Sealers' Association, inquiring within what distance of the Russian side of the Behring Sea it is permitted to take seals, together with copy of the reply returned to the Association by the Minister of Marine and Fisheries.

Your Lordship will observe that Ministers would be glad to know what further reply Her Majesty's Government would wish to be given to this inquiry.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 8.

Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 17th January, 1893.

ON a Report, dated the 11th January, 1893, from the Minister of Marine and Fisheries, submitting a copy of a communication received from the British Columbia Sealers' Association of Victoria, British Columbia, and of his reply thereto, relative to the limit within which Canadian sealing-vessels must not approach the (so-called) Japanese or Russian side of Behring Sea, the Minister in this connection desires to call attention to the Minute of Council, dated the 23rd September, 1892, in reference to a communication from the Sealers' Association, touching the recent seizures of Canadian sealing-vessels by Russian cruizers, and matters connected therewith.

The Committee, on the recommendation of the Minister of Marine and Fisheries, advise that your Excellency be moved to forward this correspondence to the Right Honourable the Principal Secretary of State for the Colonies, with the request that Her Majesty's Government will be pleased to intimate what further reply may be given to the question raised by the Sealers' Association.

All which is respectfully submitted, for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

Appendix I.

100, *Government Street, Victoria, British Columbia,*
Sir, *January* 3, 1893.

REFERRING to our letter of the 8th September, 1892, in which we requested that the Imperial Government would define our rights in the so-called Russian or western portion of Behring Sea, and also afford us armed protection in the exercise of those rights, and to your reply of the 16th of the

same month, in which you informed us that under the Treaty of 1825 between Russia and Great Britain we were free to pursue our voyages and seal-hunting in those waters, we now have the honour, on behalf of the British Columbia Sealers' Association, to bring under your notice two paragraphs which have recently appeared in the Victoria "Daily Colonist" on the same subject.

We are now outfitting for the ensuing season's voyage, and as, owing to the American *modus vivendi*, we are excluded from the eastern portion of Behring Sea, we have no alternative but to proceed to the Japanese and Russian side of the sea.

We would therefore respectfully ask you to say what the limit is within which we must not approach Japanese and Russian territory. Is it 1 league—3 nautical miles, or is it 3 leagues—9 nautical miles?

We take leave, at the same time, again most urgently to urge that we may be afforded naval protection in the exercise of our rights. If not preventing seizures, it would be a great advantage to us that there should be disinterested and official witnesses of our proceedings, and would at least protect us from insult and robbery such as we suffered in 1892.

We have, &c.

(Signed) JOHN G. COX,
President, British Columbia Sealers' Association.
(Signed) RICHARD HALL,
Secretary, British Columbia Sealers' Association.

The Hon. the Minister of Marine and Fisheries, Ottawa,
&c. &c. &c.

From Victoria, British Columbia, "Daily Colonist" of January 3, 1893.

Of Interest to Sealing-men.

Japanese papers received by the Northern Pacific liner "Tacoma" contain the following Notice, which will be read with interest by all identified with the sealing industry:—

"Masters and owners of British vessels are, by instruction of Her Majesty's Government, hereby warned that vessels attempting to pursue seals or fur-otters in the Russian territorial waters without special licence are liable to seizure and confiscation, and go at their own risk."

(Signed) JAMES TROUP,
Her Britannic Majesty's Consul.

British Consulate, Yokohama,
December 10, 1892.

From the Victoria, British Columbia, "Daily Colonist" of December 14, 1892.

The San Francisco correspondent of the "Fur Trade Review" (New York) prints the following in the December issue of that well-known trade magazine:—

"That was quite a sensational story which was brought out at Victoria to the effect that Captain de Levron, of the cruizer 'Zabiaka,' the vessel which made nearly all of the seizures on the Russian coast this year, had been declared insane and relieved of his commission. It was interpreted by some of the Victoria sealing men as an effort on Russia's part to shift the responsibility for the Captain's actions, and as a clear evidence of backdown.

"They are in great hopes of receiving compensation from Russia for the seizures made, but it will not be long before they realize that there is no such good luck in store for them.

"In the first place, Captain de Levron is not insane (as his arrival here a few days ago fully established), and he was not removed on account of having made too many seizures, but for the reason that he neglected his duty in not having gathered in more of the illegitimate hunters.

"It was proven against him that on two distinct occasions he ran into harbour, once for ten days, and again for fifteen days, during the height of the sealing season, when the poachers were as thick as bees on the forbidden grounds.

"This offence has been considered so great in the eyes of the Russian Government that De Levron's commission has been permanently revoked, and he will never again be given command of any vessel sailing under the Russian flag. The Captain arrived in this city on the steamer "City of Peking" from Japan, and will go direct to St. Petersburgh."

The same correspondent also gives the catch of the American sealing-fleet for 1892 as follows:—

City of San Diego	559
Louis G. Olsen	1,342
Rose Sparks	457
E. E. Webster	2,172
Active	41
Ivanhoe	1,287
C. G. White	988
Sophie Sutherland	1,603
Matter T. Dyer	1,187
Lillie L.	580
Bowhead	1,813

Emma and Louise	1,009
Henry Dennis	1,900
Kate and Annie	1,232
La Ninfa	541
Willard Ainsworth	880
Anaconda	550
Undaunted	328
Dawn	128
Emmet and Felitz	400
Allie I. Alger	1,712
Maria III	150
Anaconda	700
George White	60
C. H. White (seized).	
Casco	1
San Diego	2,067
Total	23,698

Appendix II.

Gentlemen, *January* 10, 1893.

I have the honour to acknowledge the receipt of your communication of the 3rd, in which you refer to your letter of the 8th September, 1892, in which you requested that the Imperial Government would define your rights in the so-called Russian, or western, portion of Behring Sea.

I have read the paragraphs from the "Daily Colonist" to which you call my attention, and I note that you propose proceeding to the Japanese and Russian side of Behring Sea, so-called.

Touching the question which you put to me as to what the limit is within which you must not approach Japanese or Russian territory, I can only say that, while in the opinion of the British Government the exclusive authority of Japan or Russia extends for 3 nautical miles from their respective coasts, I am of the opinion that, in view of the disputes now pending, and the past actions of Russia and the United States, it is impossible to ignore the fact that risk attends any sealing-vessel approaching the coasts of Russia or Japan.

I shall, however, bring your communication to the notice of his Excellency the Governor-General, in order that it may, with your previous letter, be submitted to Her Majesty's Government.

I have, &c.

(Signed) CHARLES H. TUPPER.

John G. Cox, Esq., President,
British Columbia Sealers' Association.
Richard Hall, Esq., Secretary,
British Columbia Sealers' Association.

No. 9.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, February* 22, 1893.

WITH reference to my despatch of the 18th ultimo respecting the limits in which sealing will be permitted in the North Pacific during the approaching season, I transmit to your Excellency a despatch, and its inclosures, from the Governor-General of Canada,* reporting fresh inquiries which have been made by the British Columbia Sealers' Association on this subject.

The Secretary of State for the Colonies, in forwarding Lord Stanley's despatch, points out that, as the sealers will very soon be clearing from British Columbia, it is important that Her Majesty's Government should be in a position to return a reply to their inquiry at an early date; and I must accordingly request your Excellency, in view of the urgency of the question, to again endeavour to obtain from the Russian Government some expression of their views and intentions on this subject.

I am, &c.

(Signed) ROSEBERY.

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* No. 8.

No. 10.

Sir R. Morier to the Earl of Rosebery.—(Received February 28.)

My Lord, *St. Petersburgh, February 25, 1893.*

WITH reference to my despatch of the 25th ultimo, I have the honour to transmit to your Lordship herewith a copy of a note I have just received from the Russian Government, in reply to mine of the 11th (23rd) ultimo, on the subject of sealing in the North Pacific.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 10.

M. Chichkine to Sir R. Morier.

Ministère des Affaires Étrangères,
le 12 (24) Février, 1893.

M. l'Ambassadeur,

PAR votre note du 11 (23) Janvier, vous avez bien voulu m'informer que plusieurs capitaines de navires destinés à la chasse des otaries dans la Mer de Behring ayant demandé à être renseignés sur les limites dans lesquelles il leur serait loisible de pratiquer leur industrie, le Gouvernement Britannique se proposait de leur répondre que la chasse aux otaries resterait jusqu'à nouvel ordre complètement interdite dans les limites de la ligne de démarcation convenue en 1891 entre l'Angleterre et les États-Unis d'Amérique, mais qu'elle était libre en dehors de ces limites, sauf les eaux territoriales de la Russie. En même temps, votre Excellence m'a demandé de lui communiquer les objections éventuelles que le Gouvernement Impérial pourrait être dans le cas de former contre cette déclaration.

Tout en vous remerciant, M. l'Ambassadeur, de cette démarche dont le Gouvernement Impérial prend acte, je m'empresse de vous informer que la question des mesures à prendre pour empêcher la destruction de la race des otaries ayant été depuis quelque temps mise à l'étude, j'ai dû attendre les résultats préliminaires de ce travail pour répondre à la note que vous avez bien voulu m'adresser.

En abordant aujourd'hui la question de la chasse aux otaries, je crois devoir, avant tout, faire observer à votre Excellence que l'insuffisance de la stricte application en cette matière des règles générales du droit des gens relative aux eaux territoriales, a été démontrés par le fait même des négociations ouvertes dès 1887 entre les trois Puissances principalement intéressées dans le but de convenir des mesures spéciales et exceptionnelles.

La nécessité de telles mesures a été, depuis, confirmée par l'entente Anglo-Américaine établie en 1891.

En se prêtant à ces pourparlers et à cette entente, le Gouvernement Britannique à lui-même admis l'opportunité d'une dérogation éventuelle aux règles générales du droit international.

Un point sur lequel il importerait ensuite d'attirer tout particulièrement l'attention du Gouvernement Britannique est celui de la situation absolument anormale et exceptionnelle créée pour les intérêts Russes par les stipulations Anglo-Américaines. Au fait, la prohibition de la chasse dans les limites tracées par le *modus vivendi* convenu en 1891 a eu pour résultat d'augmenter la destruction des otaries sur les côtes Russes dans une proportion telle que la disparition complète de cette race n'y serait plus qu'une question de peu de temps, si des mesures de protection efficaces n'étaient prises sans retard.

Les chiffres suivants le démontrent clairement :—

Le nombre des otaries à tuer annuellement étant fixé par l'Administration proportionnellement à leur quantité, les années de 1889 à 1890, avant l'établissement du *modus vivendi* Anglo-Américain, ont donné les chiffres du 55,915 et 56,833, tandis que pour les années 1891 et 1892, après l'entente susmentionnée ces chiffres sont tombé à 30,689 et 31,315. D'autre part, d'après les données statistiques que le Gouvernement Impérial a pu se procurer, la quantité des peaux d'otaries, de provenance Russe, livrée par les chasseurs sur le marché de Londres s'est par contre accrue pendant ces deux années dans une proportion infiniment plus considérable. Le nombre des navires s'occupant de la chasse et aperçus dans les alentours des Iles Komandorsky et Tulénew

(Robben Island) aurait aussi augmenté considérablement, selon les observations faites par l'Administration locale. Les procédés sauvages et illicites de ces chasseurs ressortent d'ailleurs du fait avéré par les saisies que plus de 90 pour cent des peaux d'otaries emportées par eux sont celles d'otaries femelles qui ne s'éloignent guère à une grande distance de la côte pendant la saison de la chasse et dont la destruction entraîne celle de tous les petits qu'elles nourrissent. Le nombre d'otaries blessées ou abandonnées sur la côte ou dans les eaux territoriales et retrouvées ensuite par les autorités locales constate également le caractère destructeur de la chasse.

Dans cet état de choses, nous nous croyons justifiés, M. l'Ambassadeur, en exprimant notre entière confiance que le Gouvernement Britannique admettra l'urgence de mesures restrictives en attendant qu'une réglementation internationale de la chasse aux otaries puisse être établie entre les Puissances principalement intéressées.

Le Gouvernement Impérial pour sa part n'hésite pas à reconnaître que la protection ne saurait être exercée d'une manière vraiment efficace qu'à la suite d'un tel accord. En conséquence il est disposé, dès à présent, à entrer dans ce but en pourparlers avec les Gouvernements de la Grande-Bretagne et des États-Unis d'Amérique; mais il reconnaît en même temps la nécessité absolue de mesures provisoires immédiates tant à cause de la proximité de l'ouverture de la saison de chasse, que pour être à même de répondre, en temps utile, à la question posée dans la note de votre Excellence du 11 (23) Janvier.

A cet effet, et d'après un examen approfondi, le Gouvernement Impérial a cru nécessaire d'arrêter les mesures suivantes qui seraient applicables pour l'année 1893 :—

1. La chasse aux otaries sera prohibée pour tout navire n'étant pas muni d'une autorisation spéciale, à une distance de 10 milles le long de tout le littoral appartenant à la Russie.

2. Cette zone prohibée sera de 30 milles autour des Iles Komandorsky et Tulénew (Robin Island) selon les cartes officielles Russes, ce qui implique la fermeture pour les navires s'occupant de la chasse aux otaries du détroit entre les Iles Komandorsky.

Ces mesures seraient justifiées en ce qui concerne la zone de 10 milles le long du littoral par ce fait que les navires s'occupant de la chasse aux otaries stationnent généralement à une distance de 7 à 9 milles de la côte, tandis que leurs chaloupes et leur équipage se livrent à la chasse tant sur la côte même que dans les eaux territoriales; aussitôt qu'un croiseur est signalé au loin, les navires prennent le large, et tâchent de rappeler leurs embarcations en dehors des eaux territoriales.

Pour ce qui concerne la zone de 30 milles autour des îles, cette mesure est motivée par la nécessité de protéger les bancs désignés par les chasseurs sous le nom de "sealing grounds" qui se trouvent autour des îles et ne sont pas suffisamment précisés sur les cartes. Ces bancs servent dans certaines saisons de station aux femelles dont la chasse est particulièrement destructive pour la race des otaries à l'époque de l'année où les femelles nourrissent leurs petits ou vont leur chercher la nourriture sur les bancs dit "sealing grounds."

En vous priant, M. l'Ambassadeur, de porter ce qui précède à la connaissance du Gouvernement Britannique, je crois utile d'insister sur le caractère essentiellement provisoire des mesures susmentionnées, qui sont arrêtées sous la pression de circonstances exceptionnelles, pouvant être reconnues comme un cas de force majeure et assimilées aux cas de défense légitime.

Il n'entre, bien entendu, en aucune façon dans l'intention du Gouvernement Impérial de contester les règles généralement reconnues quant aux eaux territoriales. Dans sa pensée, loin de porter atteinte à ces principes généraux du droit des gens, les mesures qu'il croit nécessaire de prendre doivent, au contraire, les confirmer comme l'exception confirme la règle.

Le poids des arguments ci-dessus développés n'échappera certainement pas à l'appréciation éclairée du Gouvernement Britannique, et j'ai la ferme confiance qu'il ne se refusera pas de prendre relativement aux navires Anglais destinés à la chasse des otaries des dispositions conformes aux mesures que le Gouvernement Impérial se propose de prendre pour l'année 1893.

De son côté, le Gouvernement Impérial ne manquera pas de donner à ces mesures, en temps utile, la publicité qu'elles comportent.

En outre et afin de prévenir dans la mesure du possible, des malentendus et des contestations en cas d'infraction aux mesures provisoires ci-dessus ainsi qu'aux règles générales du droit des gens, les croiseurs de la marine Impériale aussi bien que les autorités locales seront munis d'instructions précises définissant nettement les cas où

le droit de poursuite, de visite et de saisie des navires en contravention devrait être exercé.

Comme il a été avéré que tout en se tenant en dehors des eaux territoriales et quelquefois même à une distance dépassant les 10 milles, les navires destinés au trafic des otaries envoient une partie de leur équipage et leurs chaloupes sur la côte même dans les eaux territoriales ou à proximité, il sera prescrit par les instructions susmentionnées de poursuivre et de soumettre à la visite tout navire dont les embarcations ou l'équipage auront été aperçus ou saisis se livrant à la chasse aux otaries sur la côte ou dans la zone prohibée par les mesures provisoires pour l'année 1893.

Une forte présomption résultant du fait même de la présence d'embarcations près de la côte ou dans la zone prohibée lors même qu'au premier abord il aurait été impossible de constater si ces embarcations se livraient ou non à la chasse des otaries; il sera loisible de poursuivre et de soumettre à la visite les navires auxquels appartiendraient ces embarcations.

La saisie sur les navires soumis à la visite d'instruments spécialement employés pour la chasse des otaries sur la côte même ainsi que des peaux d'otaries dont la plus grande partie seraient celles de femelles constituerait des présomptions suffisantes pour la saisie du navire, attendu que les otaries femelles ne s'éloignent guère du rivage à plus de 10 milles (à l'exception des bancs situés autour des îles) pendant la saison où elles nourrissent leurs petits.

En informant les capitaines des navires Anglais destinés à la chasse des otaries des mesures provisoires arrêtées pour l'année 1893 le Gouvernement Britannique jugera peut-être utile de leur faire connaître également la teneur sommaire des instructions dont les croiseurs Russes seront munis, en ajoutant que le droit de surveillance sera également confié aux navires de la côte sur le grand mât desquels le Gouverneur des Iles Komandorsky hissera le pavillon Douanier de la Russie lorsqu'il se trouvera à bord dans l'exercice de ses fonctions.

Veuillez, &c.
(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur, *Ministry of Foreign Affairs, February* 12 (24), 1893.

IN your note of the 11th (23rd) January, you were good enough to inform me that several captains of vessels destined for the seal fishery in Behring Sea had asked for information as to the limits within which they would be permitted to carry on their industry, and that Her Majesty's Government proposed to reply to them that until further notice sealing would remain entirely prohibited within the line of demarcation agreed upon in 1891 by Great Britain and the United States of America; but that it might be freely carried on beyond that line, except within the territorial waters of Russia. Your Excellency requested me at the same time to communicate to you any objections which the Imperial Government might find it necessary to make to this announcement.

While thanking you, M. l'Ambassadeur, for this action, of which the Imperial Government takes note, I hasten to inform you that the question of the measures to be adopted to prevent the destruction of the seal species has been under consideration for some time past, and that I have been obliged to await the preliminary results of this investigation before replying to the note which you were so good as to address to me.

In approaching, on the present occasion, the question of the seal fisheries, I must first of all point out to your Excellency that the insufficiency of the strict application to this matter of the general rules of international law respecting territorial waters has been proved by the mere fact that negotiations were commenced in 1887 between the three Powers principally concerned, with the object of agreeing upon special and exceptional measures.

The necessity for such measures has been more lately confirmed by the Anglo-American Agreement of 1891.

Her Majesty's Government, by taking part in these negotiations and in this Agreement, have themselves admitted the propriety of a possible departure from the general rules of international law.

A further point to which it would seem important to call the special attention of Her Majesty's Government is the absolutely abnormal and exceptional position in which Russian interests are placed by the stipulations of the Anglo-American Agreement. The prohibition of sealing within the limits agreed upon in the *modus vivendi* of 1891 has, in fact, caused such an increase in the destruction of seals on the Russian coast,

that the complete disappearance of these animals would be only a question of a short time unless efficacious measures for their protection were taken without delay.

The following figures clearly show this:—

The number of seals to be killed annually is fixed by the Administration in proportion to the total number of seals. In the years 1889 and 1890, before the establishment of the Anglo-American *modus vivendi*, the catch amounted to 55,915 and 56,833, while for the years 1891 and 1892 (after the above-mentioned Agreement) the figures fell to 30,689 and 31,315. On the other hand, according to the statistical information which the Imperial Government has been able to obtain, the quantity of seal-skins of Russian origin delivered by the sealers to the London market, increased during those two years in an infinitely greater proportion. According to the observations made by the local Administration, the number of vessels engaged in sealing and seen in the neighbourhood of the Commander Islands and Tulénew (Robben) Island has also increased considerably. The barbarous and illicit proceedings of these sealers are also proved by the fact, established by seizures, that more than 90 per cent. of the seal-skins carried away by them are those of female seals, who are hardly, if ever, found far from the shore during the sealing season, and whose destruction entails that of all the young which they are suckling. The destructive character of the fishery is also shown by the number of seals wounded or abandoned on the shore or within territorial waters, and afterwards found by the local authorities.

Under these circumstances, we think ourselves justified, M. l'Ambassadeur, in expressing our entire confidence that Her Majesty's Government will admit the urgent necessity of restrictive measures pending the establishment of international sealing regulations between the Powers principally concerned.

The Imperial Government on their side do not hesitate to recognize the fact that protection cannot be carried out in a really satisfactory manner unless it is preceded by some such agreement. Accordingly, they are disposed to enter into negotiations at once with the Governments of Great Britain and of the United States of America; but they recognize at the same time the absolute necessity of immediate provisional measures, both on account of the near approach of the sealing season and in order to be in a position to reply in good time to the question contained in your Excellency's note of the 11th (23rd) January.

With this object, and after thorough investigation, the Imperial Government has thought it necessary to decide on the following measures to be in force during the year 1893:—

1. No ship unprovided with a special authorization shall be permitted to hunt for seals within a distance of 10 miles along all the coast belonging to Russia.

2. This prohibited zone shall be 30 miles wide around the Commander Islands and Tulénew (Robben) Island according to the Russian official maps, which implies that the passage between the Commander Islands will be closed to vessels engaged in sealing.

With regard to the 10-mile zone along the coast, these measures will be justified by the fact that vessels engaged in the seal fishery generally take up positions at a distance of from 7 to 9 miles from the coast, while their boats and crews engage in sealing both on the coast itself and in territorial waters. As soon as a cruizer is sighted, the ships take to the open sea and try to recall their boats from territorial waters.

With regard to the 30-mile zone around the islands, this measure is taken with a view to protect the banks, known by the sealers as "sealing grounds," which extend round the islands, and are not shown with sufficient accuracy on maps. These banks are frequented during certain seasons by the female seals, the killing of which is particularly destructive to the seal species at the time of year when the females are suckling their young, or go to seek food on the banks known as "sealing grounds."

While requesting you, M. l'Ambassadeur, to bring the foregoing considerations to the knowledge of Her Majesty's Government, I think it important to insist on the essentially provisional character of the above measures adopted under pressure of exceptional circumstances which may be regarded as a case of *force majeure*, and analogous to cases of legitimate self-defence.

It does not, of course, enter at all into the intention of the Imperial Government to dispute the generally recognized rules with respect to territorial waters. In their opinion, far from attacking these general principles of international law, the measures which they think necessary to take must be regarded as confirming them, as the exception proves the rule.

The force of the arguments set forth above will certainly not escape the enlightened appreciation of Her Majesty's Government, and I am firmly convinced

that they will not refuse to take steps with regard to the English sealing-vessels, in accordance with the measures which the Imperial Government propose to take for the year 1893.

On their side, the Imperial Government will not fail to give to these measures, in good time, the publicity which they require.

Besides this, and in order to prevent as far as possible any misunderstandings and disputes in case of infraction of the above provisional measures, as well as of the general rules of international law, the cruizers of the Imperial Government and also the local authorities will receive precise instructions, clearly laying down the cases in which the right of pursuit, of search, and of seizure of offending vessels should be exercised.

As it is affirmed that the sealing-vessels, while themselves remaining outside territorial waters and sometimes more than 10 miles from shore, dispatch a portion of their crews and their boats to the coast, and within, or very nearly within, territorial waters, the above-mentioned instructions will prescribe the pursuit and search of all vessels whose boats or crews shall have been observed or seized while sealing on the coast, or within the zone prohibited by the provisional measures for 1893.

As a strong presumption results from the mere fact of the presence of boats near the coast or within the prohibited zone, even when it has been impossible at first to decide whether these boats were engaged in sealing or not, it shall be permissible to pursue and search the vessels to which such boats belong.

The seizure on board vessels thus searched, of special implements employed in sealing on shore, as well as of seal-skins the greater part of which are those of females, will constitute sufficient grounds for the seizure of the vessel, in view of the fact that the female seals, during the season of suckling their young, rarely, if ever, depart further than 10 miles from the shore, excepting on the banks around the islands.

When informing the captains of English sealing-vessels of the provisional measures drawn up for the year 1893, Her Majesty's Government will perhaps think it advisable to communicate to them likewise a summary of the instructions which will be given to the Russian cruizers, and to add that the right of surveillance will also be given to vessels belonging to the coast on the mainmast of which the Governor of the Commander Islands hoists the Russian Custom-house flag when he is on board in the discharge of his duties.

Accept, &c.
(Signed) CHICHKINE.

No. 11.

The Marquis of Ripon to Lord Stanley of Preston.—(Received at Foreign Office, March 3.)

(Telegraphic.) *Downing Street, March* 3, 1893.

HER Majesty's Government desire you to acquaint Collectors of Customs at British Columbian ports, that Her Majesty's Government have received proposal from Russian Government for establishment of protective zone round islands and coasts of Russia, and that they should warn sealers clearing for North Pacific to arrange for ascertaining provisions which may be agreed to before proceeding to neighbourhood of Russian territory.

No. 12.

The Earl of Rosebery to Mr. de Bunsen.

(Telegraphic.) *Foreign Office, March* 10, 1893.

NORTH Pacific sealing.

The Russian Government have proposed to Her Majesty's Government the establishment of a zone round their coasts and islands for the protection of seal life. Steps should be taken by you to warn British sealers clearing for North Pacific from Japanese ports that, before proceeding to neighbourhrod of Russian territory, they should take measures for ascertaining provisions which may be agreed to on this subject.

No. 13.

The Earl of Rosebery to Sir R. Morier.

(Telegraphic.) *Foreign Office, March* 13, 1893.

I HAVE to state to your Excellency that information has been given to the Collectors of Customs at ports in British Columbia of a proposal having been made to Her Majesty's Government by that of Russia for the establishment of a protective zone round the coasts and islands belonging to that Power.

The Collectors of Customs have been instructed to warn sealing-vessels clearing for the North Pacific that they should make arrangements, before they proceed to the vicinity of Russian territory, to ascertain what provisions may be agreed upon between the two Governments for carrying the Russian proposal into effect.

As the sealing-vessels are starting for their cruize in the more southerly portions of the North Pacific Ocean, and do not return to port before they proceed in the summer to Behring Sea, it was necessary that some warning should be given to the above effect.

A warning in the same sense will also be conveyed to sealers clearing from Japanese ports by Her Majesty's Chargé d'Affaires at Tôkiô.

A reply to M. Chichkine's note of the 12th (24th) ultimo is under the consideration of Her Majesty's Government, and I hope shortly to be able to send it to you.

No. 14.

The Earl of Rosebery to Sir R. Morier.

Sir, *Foreign Office, March* 17, 1893.

HER Majesty's Government have given their most careful consideration to the note of M. Chichkine of the 12th (24th) ultimo, inclosed in your Excellency's despatch of the following day, and stating the measures which the Russian Government deem necessary for the protection of their sealing interests in the North Pacific during the approaching fishery season, and which are submitted to Her Majesty's Government for consideration with a view to their acceptance.

Those measures consist in—

1. The prohibition of sealing to vessels not specially authorized within a zone of 10 miles from the Russian coast.

2. The extension of this prohibitive zone to a distance of 30 miles round Robben Island and the Commander Islands.

For the purpose of securing the due observance of these restrictions, it is proposed that the Russian cruizers should be authorized to pursue and seize all vessels whose boats or crews have been found fishing for seals within the prohibited limits, and further to pursue and search any vessels whose boats have been seen within those lim' whether actually employed in seal hunting or not. In the latter case the presence on board of instruments specially employed in seal hunting or of seal-skins, the majority of which are those of females, is to be held to afford sufficient presumptive evidence to justify seizure.

Her Majesty's Government take note of the statements made in M. Chichkine's note, that the Russian Government have no intention of disputing the generally recognized rules of international law as to territorial waters, that these measures, of an exceptional and provisional nature, are designed to meet a pressing emergency, and that Russia is desirous of entering at once upon discussions with the Governments of Great Britain and the United States with a view to an agreement between the Powers principally interested for the proper control of the sealing industry.

While Her Majesty's Government have not committed themselves to a decided opinion as to the absolute necessity of any particular class of regulations for the preservation of the seal species, they have more than once expressed their willingness to take part in the framing of a general scheme for the protection of the seals which shall have due regard to the various interests concerned.

They quite recognize that the provisions of the *modus vivendi* agreed upon between Great Britain and the United States tends to drive the sealing-vessels of both those nations, which have been accustomed to resort to the eastern part of Behring Sea, to the waters adjacent to the Russian coasts, and the reduced number of seals which it

has been deemed advisable to take on the Russian rookeries in 1892 is, undoubtedly, evidence that, according to the observation of the local authorities, a substantial decrease has occurred in the seals frequenting those rookeries.

Her Majesty's Government could not admit that Russia has therefore the right to extend her jurisdiction over British vessels outside the usual territorial limits, but they are anxious to afford all reasonable and legitimate assistance to Russia in the existing circumstances. They are ready to enter at once into an agreement with the Imperial Government for the enforcement of the protective zones proposed in M. Chichkine's note on conditions similar to those of their *modus vivendi* with the United States, which it will be observed are of a reciprocal character. The terms of the agreement would be as follows:—

Her Majesty's Government would issue the necessary enactments prohibiting British subjects from seal fishing within the zones specified by M. Chichkine, and would instruct the Commanders of British vessels of war cruizing in the North Pacific to co-operate with the Russian cruizers in enforcing the prohibition. The Russian Government would engage to hand over to the British cruizers, or to the nearest British authority, any British vessels seized by Russian cruizers, outside the 3-mile limit, for infraction of the Regulations, in order that such vessels might be duly adjudicated on by the British Courts. The British naval officers would similarly hand over to the Russian Government any Russian vessels so seized by them.

The Russian Government would further engage that the number of seals to be killed on the Russian seal islands should be limited to a certain specified number to be agreed upon beforehand, or to a certain proportion, to be equally agreed upon, of the total number of seals estimated to have resorted to the islands in the season.

The Russian Government would further allow an Agent of the British Government to land upon the islands for the purpose of consulting with the Russian authorities on the working and observed results of the arrangement.

If these proposals should, as I hope, be agreeable to the Russian Government, I should be glad to learn at the earliest moment their views as to the limitation which they would agree to place on the number of seals to be killed on the islands. The Reports of the British Commissioners as to the care that, as a rule, has heretofore been taken to prevent any excess in this respect on the Komandorski Islands, lead me to believe that there would be no difficulty in arriving at an agreement on this point.

The legislation at present in force in this country only enables Her Majesty's Government to enact the contemplated measures in the waters of Behring Sea, but in the event of an agreement being concluded between the two Governments, Her Majesty's Government would at once apply to Parliament for the necessary powers to extend its provisions to such other portions of the North Pacific as would be affected by it. They would also be ready to concert with the Russian Government as to the precise instructions to be furnished to the Commanders of the cruizers of the two nations. They think it better to reserve until then any criticisms of detail upon some of the Russian proposals in this respect.

Her Majesty's Government assume that this arrangement does not in any way affect the facilities hitherto enjoyed by British vessels when resorting to Russian ports for shelter, repairs, and supplies.

It would of course also be understood that the arrangement would have no retroactive effect, and that the cases of the British vessels seized last year will be considered and dealt with according to the ordinary Rules of international law.

In view of the fact that the sealing-vessels are already starting on their voyages, Her Majesty's Government have caused a notice to be issued at once at the ports of British Columbia, warning the owners and masters of such vessels that negotiations on this subject are in progress.

Your Excellency will read this despatch to M. Chichkine, and leave a copy of it with him.

I am, &c.
(Signed) ROSEBERY.

No. 15.

Colonial Office to Foreign Office.—(Received April 5.)

Sir, *Downing Street, April 4, 1893.*

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, a copy of a despatch, and its inclosures, from the Governor-General of Canada, respecting the issue of a warning notice to sealers clearing for the North Pacific.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 15.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *Government House, Ottawa, March 14, 1893.*

WITH reference to your Lordship's telegram of the 3rd instant, requesting that sealers clearing from British Columbian ports for the North Pacific should be warned that Her Majesty's Government had received a proposal from the Russian Government for the establishment of a protective zone round the islands and coasts of Russia, I have the honour to inclose copy of an approved Minute of the Privy Council, from which it will be learned that a Circular letter embodying the substance of the telegram in question has been addressed to Collectors of Customs in British Columbia.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 15.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 13th March, 1893.

THE Committee of the Privy Council have had under consideration a telegram, hereto attached, dated the 3rd March, 1893, from Lord Ripon, requesting that Collectors of Customs in British Columbian ports be advised that Her Majesty's Government have received a proposal from the Russian Government for the establishment of a protective zone around the islands and coast of Russia, and that they should warn sealers clearing for the North Pacific to arrange for ascertaining the provisions which may be agreed to before proceeding to the neighbourhood of Russian territory.

The Minister of Trade and Commerce, to whom the matter was referred, states that he directed the issue, through the Customs Department, of a Circular letter to all Collectors of Customs in British Columbia, copy hereto attached, embodying the substance of the telegram in question.

The Committee advise that your Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

Inclosure 3 in No. 15.

The Marquis of Ripon to Lord Stanley of Preston.

[See No. 11.]

Inclosure 4 in No. 15.

Memorandum.

IN accordance with a request from the Right Honourable the Secretary of State for the Colonies, I have to acquaint you that Her Majesty's Government has received a proposal from the Russian Government for the establishment of a protective zone around the islands and coast of Russia. You will therefore warn masters of all sealing-vessels clearing for the North Pacific to arrange for ascertaining the provisions which may be agreed to by the two Governments before proceeding to the neighbourhood of Russian territory.

(Signed) N. C. WALLACE.

Department of Customs, Ottawa,
March 6, 1893.
To Collectors of Customs,
Ports in British Columbia.

No. 16.

Colonial Office to Foreign Office.—(Received April 8.)

Sir, *Downing Street, April* 7, 1893.

WITH reference to the letter from this Department of the 4th instant respecting the steps taken by the Government of Canada to inform Canadian sealers of the proposal of the Russian Government for establishing a protective zone round the coasts and islands of Russia, I am directed by the Marquis of Ripon to transmit to you, for the information of the Earl of Rosebery, a copy of a further despatch from the Governor-General of Canada, with its inclosures, on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 16.

Lord Stanley of Preston to the Marquis of Ripon.

My Lord, *Government House, Ottawa, March* 20, 1893.

IN continuation of my despatch of the 14th instant, notifying your Lordship of the steps taken by this Government to inform Canadian sealers of the proposal of the Russian Government for establishing a protective zone round the coasts and islands of Russia, I have the honour to forward copy of a further approved Minute of the Privy Council, detailing additional measures which have been taken to give publicity to this proposal, and submitting a list of Canadian vessels which have already cleared from Victoria for the purpose of sealing in the North Pacific.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 2 in No. 16.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 17th March, 1893.

ON a Report, dated 15th March, 1893, from the Minister of Trade and Commerce, submitting, with reference to the telegraphic despatch, copy of which is attached for convenience of reference, of the 3rd March instant, from the Marquis of Ripon, advising that Her Majesty's Government had received a proposal from the Russian Government for the establishing of a protective zone around the islands and coast of Russia, and asking that Collectors of Customs in British Columbia should warn sealers for the North Pacific accordingly, a copy of a letter received on the 13th March instant from the Collector of Customs at Victoria, British Columbia, bearing date the 4th March instant, in which he states (referring to the sealing fleet) that the vessels all cleared early this season, fifty-one having cleared prior to writing, of which twenty-four cleared for the North Pacific and Japan, and twenty-seven for the North Pacific, leaving at that time but two in port.

The Minister states that the Collector of Customs at Victoria, British Columbia, was thereupon further instructed by telegraph of the 14th March instant, as per copy herewith, to deliver a copy of the Controller of Customs telegram of the 7th March instant to the President of the Sealers' Association, so that those interested might understand the responsibility involved in any non-observance of the warning, and the Collector answered under same date, as per copy also herewith, which came to hand this day, that owners had been given copies of the Controller's telegram, and that copies had been sent to the west coast, and that publicity had been given through the press, but that copies had not yet been sent viâ Japan.

The Committee, on the recommendation of the Minister of Trade and Commerce, advised that your Excellency be moved to forward a certified copy of this Minute, together with copies of the telegrams and of the letters referred to, and its accompanying list of vessels, to the Right Honourable the Secretary of State for the Colonies, for the information of Her Majesty's Government.

All which is respectfully submitted, for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

Downing Street, March 3, 1893.

Her Majesty's Government desire you to acquaint Collector of Customs at British Columbia ports that Her Majesty's Government have received proposal from Russian Government for establishment of protective zone round islands and coast of Russia, and that he should warn sealers clearing for North Pacific to arrange for ascertaining provisions which may be agreed to before proceeding to neighbourhood of Russian territory.

(Signed) RIPON.

March 14, 1893.

Letters of 4th instant *re* sealers received.

Deliver copy of Controller of Customs' telegram of 7th instant to President of Sealers' Association, so that those interested may understand the responsibility involved in any non-observance of the warning.

(Signed) M. BOWELL.

A. R. Milne, Esq., Collector of Customs,
Victoria, B.C.

Victoria, B.C., March , 1893.

Owners given copies of Controller's telegram of 7th instant. Copies sent to west coast; also every publicity given in press. Has not yet been sent viâ Japan.

(Signed) A. R. MILNE.

Hon. M. Bowell,
Minister of Trade and Commerce,
Ottawa.

Sir, *Customs, Canada, Victoria, B.C., March* 4, 1893.

I have the honour to forward herewith a statement giving the names of vessels, date cleared, names of masters, &c., of the sealing fleet, 1893, which have left port this spring.

I beg to state that the vessels all cleared early, few vessels having been added to the number this year, and none, so far, have come round Cape Horn from the eastern provinces.

A number of American schooners have gone from San Francisco to Japan water, and I fear that the large number of vessels there will incite the Japanese to harass their operations for protection of the industry, which I understand is leased by the Japanese Government to Companies.

There is no doubt but that all our vessels will observe the *modus vivendi* this year, and no attempt will be made to enter Behring Sea eastward of the line of demarcation.

I have, &c.

(Signed) A. R. MILNE, *Collector.*

W. G. Parmelee, Esq.,
Deputy Minister of Trade and Commerce,
Ottawa.

Sealing Fleet, Session 1893.

Date of Clearance.		Vessels.	Tons.	Crews. White.	Crews. Indians.	Boats.	Canoes.	Masters.	Cleared for—
1893									
Jan.	11	Triumph	98	10	28	4	14	C. N. Cox	North Pacific Ocean.
,,	11	Walter P. Hall ..	99	23	..	7	..	J. B. Brown ..	North Pacific Ocean and Japan.
,,	13	May Belle	58	20	..	5	..	C. J. Harris ..	North Pacific Ocean.
,,	16	Otto	86	8	26	3	13	M. Keefe	Ditto.
,,	16	Pioneer	66	6	24	3	12	J. McLeod ..	Ditto.
,,	17	Beatrice	66	5	24	2	12	D. Macauley ..	Ditto.
,,	18	Casco	63	19	..	5	..	O. Buckholz ..	Ditto.
,,	18	Sea Lion (New Diana)	50	19	..	5	..	A. Nelson	Ditto.
,,	19	Enterprise	69	24	..	7	..	J. W. Todd ..	North Pacific Ocean and Japan.
,,	20	Geneva	92	26	..	8	..	W. O. Leary ..	North Pacific Ocean.
,,	21	Penelope	70	20	..	5	..	F. Cole	Ditto.
,,	21	E. B. Marvin ..	117	27	..	8	..	Isaac Gould ..	North Pacific Ocean and Japan.
,,	21	C. H. Tupper ..	99	24	..	7	..	W. E. Baker ..	Wrecked.
,,	21	Carlotta G. Cox ..	76	23	..	7	..	W. Byers	North Pacific Ocean and Japan.
,,	21	Agnes McDonald ..	107	25	..	7	..	M. F. Cutler ..	North Pacific Ocean.
,,	21	Oinoko	74	6	26	3	13	G. Heater	North Pacific Ocean and Japan.
,,	21	Ocean Belle ..	83	25	..	7	..	T. O'Leary ..	Ditto.
,,	24	City of San Diego ..	46	18	..	5	..	M. Pike	Ditto.
,,	24	Sadie Turpel ..	56	23	..	6	..	C. Le Blanc ..	Ditto.
,,	24	Viva	92	23	..	6	..	J. W. Anderson ..	North Pacific Ocean.
,,	25	Vera	50	19	..	5	..	W. Shields ..	Ditto.
,,	26	Brenda	100	26	..	7	..	C. E. Locke ..	Ditto.
,,	26	Sapphire	109	8	3	3	12	William Cox ..	Ditto.
,,	26	Umbrina	98	24	..	7	..	C. Campbell ..	Ditto.
,,	26	Mermaid	73	25	..	6	..	W. H. Whiteley ..	Ditto.
,,	26	Mascot	40	11	20	3	10	H. F. Sieward ..	Ditto.
,,	26	Rosie Olsen ..	39	5	24	2	12	A. B. Whiddem ..	Ditto.
Feb.	2	Ariotis	86	24	..	7	..	A. Douglass ..	Ditto.
,,	6	Maud S.	97	24	..	7	..	R. E. McKiel ..	Ditto.
,,	6	Annie C. Moore ..	113	26	..	7	..	J. Daley	Ditto.
,,	6	Libbie	93	23	..	6	..	F. Hackett ..	Ditto.
,,	9	Teresa	63	20	..	6	..	E. Lorenz	Ditto.
,,	10	Dora Sieward ..	94	26	..	8	..	R. O. Lavender ..	North Pacific Ocean and Japan.
,,	10	Mary Ellen ..	63	23	..	6	..	W. O. Hughes ..	Ditto.
,,	13	Fawn	59	5	22	3	11	L. Magnesen ..	Ditto.
,,	13	W. P. Sayward ..	60	7	20	3	10	G. Percy	North Pacific Ocean.
,,	14	Venture	48	4	16	2	8	G. McDonald ..	North Pacific Ocean and Japan.
,,	14	Katharine	82	6	24	2	12	W. D. McDougal ..	Ditto.
,,	15	Annie E. Paint ..	82	22	..	6	..	A. Bisset	Ditto.
,,	16	Walter A. Parke ..	68	23	..	6	..	Theo. Magnesen ..	Ditto.
,,	16	Mary Taylor ..	46	18	..	5	..	E. Shiel ls	Ditto.
,,	17	Labrador	29	11	..	4	..	J. J. W hiteley ..	Ditto.
,,	18	Borealis	57	6	20	2	10	G. Meyer	Ditto.
,,	25	Favourite	80	7	26	3	13	T. McLean ..	Ditto.
,,	27	Victoria	53	6	20	2	10	H. V. Hughes ..	Ditto.
,,	27	Minnie	46	5	20	2	10	V. Jackobsen ..	Ditto.
Mar.	1	Walter L. Rich ..	76	24	..	7	0	S. Balcom	Ditto.
,,	2	Wanderer	25	4	16	1	8	H. Paxton	Ditto.
,,	2	Mountain Chief ..	23	1	19	..	9	L. F. Guptel ..	Ditto.
,,	2	Oscar and Hattie ..	81	24	..	6	..	W. E. Baker ..	Still in port.
,,	2	San José	31	4	16	2	8	R. Crowell ..	Ditto.

Cleared for North Pacific and Japan	24
Cleared for North Pacific	27
Total number of vessels up to date	51

No. 17.

Sir R. Morier to the Earl of Rosebery.—(Received April 22.)

My Lord, *St. Petersburgh, April* 18, 1893.

I HAVE this moment received, only a few hours before my departure for the Crimea, the note on the subject of the seal fisheries, of which I have the honour to inclose a copy herewith, in reply to my note of the 9th (21st) March, transmitting a copy of your Lordship's despatch of the 17th of the same month.

As far as a very cursory examination of the note allows me to judge, it seems to me fairly satisfactory, with the exception of the paragraph stating the impossibility of the Imperial Government to accept the condition of having to deliver up their captures to our cruizers or to the nearest British authority.

The grounds on which they refuse to do this, however, being of a practical nature, and based on the physical impossibility, with their very limited number of cruizers, to give up watching for poachers in order to hunt for British cruizers or to undertake a voyage of 3,000 miles to get within reach of a British authority, are not easy to refute. But it seems to me that the difficulty may be turned, and I have therefore, in a private letter which I have addressed to M. Chichkine, in order at once to guard against the supposition that we should hand over our crews to Russian jurisdiction, pointed out to him that there might be practical ways of turning the difficulty, such, for instance, as our stationing a cruizer at Petropavlovsk or Vladivostock to take charge of the captures.

I have the honour to transmit herewith a copy of this letter.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure 1 in No. 17.

M. Chichkine to Sir R. Morier.

M. l'Ambassadeur, *Le* 6 (18) *Avril*, 1893.

EN réponse à ma note du 12 (24) Février, votre Excellence a bien voulu me faire parvenir copie de la dépêche de Lord Rosebery en date du 17 Mars, par laquelle le Gouvernement Britannique propose d'établir immédiatement un *modus vivendi* sur les bases suivantes :—

1. Le Gouvernement Britannique interdirait à ses sujets la chasse aux otaries dans les zones de 30 et de 10 milles, et offrirait la coopération de ses croiseurs pour l'exécution de cette mesure. Le Gouvernement Impérial s'engagerait à livrer aux croiseurs Anglais, où à la plus proche autorité Britannique les navires Anglais capturés en dehors des eaux territoriales dans les zones susmentionnées, tandis que les croiseurs Anglais, par réciprocité, livreraient les navires Russes capturés dans les mêmes conditions.

2. Le Gouvernement Impérial limiterait à un chiffre à déterminer le nombre des otaries qui seraient tués sur les îles.

3. Le Gouvernement Impérial autoriserait un Agent du Gouvernement Britannique à se rendre sur les îles, afin de conférer avec les autorités locales sur le fonctionnement et le résultat de l'arrangement.

4. Il resterait entendu que cet arrangement n'affecterait en rien les facilités accordées jusqu'ici dans les ports Russes aux navires Anglais pour refuge, réparation, ou approvisionnement.

5. L'arrangement n'aurait pas de force rétroactive, plus particulièrement en ce qui concerne les navires Anglais capturés l'année dernière.

Je ne saurais entrer en matière, M. l'Ambassadeur, sans avoir au préalable attiré votre attention sur ce fait, que ma note du 12 (24) Février avait pour but de prévenir le Gouvernement Britannique de certaines mesures de défense légitimes imposées provisoirement par des circonstances exceptionnelles, et non pas de poser les bases d'un *modus vivendi* proprement dit, c'est-à-dire, d'une transaction bilatérale, susceptible d'être prolongée jusqu'au règlement définitif de la question.

Il s'agissait simplement d'un *minimum* de mesures protectrices destinées à prévenir la disparition de l'objet du litige avant même l'ouverture des négociations à son sujet.

Vu la proximité de la saison de la chasse, déjà ouverte en ce moment, le Gouvernement Impérial estimait à la date de ma note que le temps matériel ferait défaut pour

débattre et pour établir un *modus vivendi* qui toucherait nécessairement, non pas seulement à des questions d'intérêt, mais encore à des questions de principe.

S'il s'était agi de poser les bases d'un tel *modus vivendi*, le Gouvernement Impérial n'eût pas manqué de faire valoir qu'une restriction des droits territoriaux, c'est-à-dire, l'engagement de limiter le nombre des otaries à tuer sur terre, devrait équitablement avoir pour corollaire la suspension complète de la chasse pélagique en pleine mer. Il aurait surtout cru indispensable de faire ses réserves pour ce qui concerne le règlement définitif de la question des otaries, afin de garder son entière liberté d'appréciation quant aux mesures à convenir dans le but de la conservation de la race des otaries, soit par la prohibition ou la réglementation de la chasse en pleine mer, soit par l'extension des droits spéciaux de protection de cette race au delà des diverses distances communément désignées comme limites des eaux territoriales.

Cependant, ces observations faites, je suis autorisé, M. l'Ambassadeur, à informer votre Excellence que le Gouvernement Impérial, étant désireux de venir au devant de toute proposition conciliante du Gouvernement Britannique, est prêt à accueillir celle qui a été faite dans la dépêche de Lord Rosebery, sauf quelques modifications au premier point.

Ainsi le Gouvernement Impérial serait disposé à limiter pour l'année courante le nombre des otaries à tuer sur les îles au chiffre *maximum* de 30,000, réduisant ainsi de 20,000 le chiffre moyen de 50,000 prévu dans son contrat avec la Compagnie d'exploitation.

Il n'objecterait pas à ce qu'un Agent du Gouvernement Britannique se rendît sur les îles afin de s'aboucher avec les autorités locales et recueillir d'elles des renseignements sur le fonctionnement et les résultats de l'arrangement. Le lieu et l'époque de cette visite devraient, comme de raison, être fixés ultérieurement.

Il n'y aurait, bien entendu, aucune modification quant aux facilités dont les navires Anglais jouissent dans les ports Russes pour refuge, réparations, ou approvisionnements.

L'arrangement convenu n'aurait pas de force rétroactive, attendu que les différents cas de captures effectués l'année dernière ont été déjà examinés par une Commission *ad hoc* sur la base des principes généraux du droit des gens.

Enfin, pour ce qui concerne le premier point de la proposition contenu dans la dépêche de Lord Rosebery, le Gouvernement Impérial est d'avis qu'il ne serait guère possible d'appliquer intégralement, du moins dans les conditions données pour la saison de chasse actuelle, notamment quant à l'engagement de livrer aux croiseurs Anglais ou à la plus proche autorité Britannique les navires Anglais pris en contravention en dehors des eaux territoriales dans les zones prohibées de 30 et de 10 milles.

Il se pourrait que par la suite l'on trouvât d'un commun accord moyen de remédier aux inconvénients pratiques que présenterait un tel engagement; mais pour le moment il est hors de doute qu'il paralyserait complètement l'action des croiseurs de la marine Impériale, et rendrait illusoire la surveillance qu'ils devraient exercer le long de la côte et autour des îles.

Au fait, tout croiseur Russe ayant capturé un navire Anglais serait placé devant l'alternatif soit de se mettre à la recherche d'un croiseur Anglais—ce qui pourrait durer longtemps, vu l'extension du littoral—soit d'entreprendre un trajet de 3,000 milles pour conduire au port le plus proche, celui de Victoria en Colombie, le navire capturé.

Les croiseurs Russes seraient ainsi exclusivement occupés à chercher les croiseurs Anglais ou à faire le voyage à Port Victoria aller et retour, pendant toute la saison de la chasse, et la "coopération" des croiseurs des deux nations ne pourrait donc être que nominale.

Dans cet état de choses, et tout en ne s'arrêtant pas pour le moment sur un autre point essentiel—celui du manque absolu de réciprocité dans la proposition Britannique, vu qu'il n'y a pas et qu'il ne saurait y avoir, de navires sous pavillon Russe destinés à la chasse des otaries—le Gouvernement Impérial estime que pour l'année courante il serait plus simple et plus pratique de soumettre les nouvelles zones prohibées de même que c'est le cas pour les eaux territoriales, à la surveillance exclusive des croiseurs de la marine Impériale, qui continueraient jusqu'à une entente ultérieure à conduire à Pétropavlovsk tous les navires arrêtés en contravention.

En acceptant quatre points sur cinq de la proposition Anglaise, et en n'objectant qu'à l'application intégrale et immédiate de l'un des cinq points, le Gouvernement Impérial croit prouver son désir sincère de voir les pourparlers pendants aboutir à une entente d'une manière suffisante pour que son objection partielle basée sur des considérations purement géographiques ne puisse être interprétée comme un acte de méfiance.

Si le Gouvernement Britannique de son côté acceptait comme j'en ai le ferme espoir, l'ensemble du *modus agendi* développé ci-dessus, l'on pourrait considérer toute complication éventuelle pour la saison courante de chasse comme étant écartée, et l'on aurait gagné, d'autre part, le temps nécessaire pour s'entendre sur un *modus vivendi* plus défini.

Veuillez, &c.
(Signé) CHICHKINE.

(Translation.)

M. l'Ambassadeur, *April* 6 (18), 1893.

IN reply to my note of the 12th (24th) February, your Excellency was good enough to send me a copy of Lord Rosebery's despatch of the 17th March, in which the British Government proposes to establish at once a *modus vivendi* on the following bases:—

1. The British Government would forbid their subjects to fish for seals within zones of 30 and 10 miles, and would offer the co-operation of their cruizers to carry out that measure. The Imperial Government would engage to hand over to the English cruizers or to the nearest British authority the English vessels seized outside territorial waters in the above-mentioned zones, whilst the English cruizers would, in reciprocity, hand over the Russian vessels seized under the same circumstances.

2. The Imperial Government would limit to a specified number the amount of seals to be killed on the islands.

3. The Imperial Government would authorize an Agent of the British Government to proceed to the islands in order to confer with the local authorities as to the working and result of the arrangement.

4. It would be understood that this arrangement should in no way affect the facilities hitherto afforded in Russian ports to English vessels for refuge, repairs, or supplies.

5. The arrangement would not have any retrospective effect, more especially as regards the English vessels seized last year.

I cannot discuss the subject, M. l'Ambassadeur, without calling your attention in the first instance to this fact, viz., that the object of my note of the 12th (24th) of February was to warn the British Government of certain legitimate measures of defence necessitated for the moment by exceptional circumstances, and not to lay down the bases of a regular *modus vivendi*, that is to say, of a bi-lateral arrangement, which might be prolonged until the question was definitively settled.

The only idea was to provide a minimum of protective measures, intended to prevent the disappearance of the subject of the dispute, even before the negotiations with regard to it were commenced.

In view of the near approach of the fishing season, which has now already begun, the Imperial Government considered at the date of my note that there would not be sufficient time to discuss and to establish a *modus vivendi*, which would necessarily affect not only questions of interest, but also questions of principle.

If it had been intended to lay down bases of a *modus vivendi* of this kind, the Imperial Government would not have failed to claim that a restriction of territorial rights, that is to say, the engagement to limit the number of seals to be killed on land, should in equity carry with it the corollary of a complete suspension of pelagic sealing in the open sea. They would have especially regarded it as indispensable to make their reservations as regards the definitive settlement of the seal question, in order to retain their entire freedom of view as to the measures to be agreed upon for the preservation of the seal species, whether by the prohibition or regulation of sealing in the open sea, or by the extension of special rights of protection of that species beyond the various distances commonly designated as the limits of territorial waters.

Yet, after making these observations, I am authorized, M. l'Ambassadeur, to inform your Excellency that the Imperial Government, being anxious to meet half-way any conciliatory offer on the part of the British Government, are ready to accept the proposal made in Lord Rosebery's despatch, with the exception of some modifications on the first point.

Thus, the Imperial Government would be disposed to limit for the current year the number of seals to be killed on the islands to a maximum of 30,000, reducing thus by 20,000 the average of 50,000 provided for in their contract with the Sealing Company.

They would not object to an Agent of the British Government coming to the

islands in order to discuss matters with the local authorities, and to obtain information from them as to the working and results of the arrangement. The place and the time of his visit should of course be fixed hereafter.

There would certainly be no modification as regards the facilities which English vessels enjoy in Russian ports for refuge, repairs, or supplies.

The arrangement agreed upon would have no retrospective force, because the different cases of seizures effected last year have been already examined by a special Commission on the basis of the general principles of international law.

Finally, in regard to the first point of the proposal contained in Lord Rosebery's despatch, the Imperial Government are of opinion that it would be quite impossible to apply it as it stands, at any rate under the circumstances existing for the present fishing season, especially as to the engagement to hand over to the English cruizers or to the nearest British authority the English vessels caught trespassing outside territorial waters within the forbidden zones of 30 and 10 miles.

It may be that means may hereafter be found by common consent to remedy the practical difficulties in the way of such an undertaking; but for the moment, there is no doubt that it would completely paralyze the action of the cruizers of the Imperial navy, and render illusory the supervision which they should exercise along the coast and round the islands.

In practice, any Russian cruizer which had captured an English vessel would have to choose between the alternatives of searching for an English cruizer, which might take a long time, considering the extent of the coast, or else of undertaking a voyage of 3,000 miles to conduct the captured vessel to the nearest port, that of Victoria in Columbia.

The Russian cruizers would thus be exclusively occupied in looking for the English cruizers, or in making voyages to Port Victoria and back throughout the fishing season; and the "co-operation" of the cruizers of the two nations could, therefore, only be a nominal one.

Under these circumstances, and without insisting for the moment on another essential point—that of the absolute absence of reciprocity in the British proposal, as there are not, nor can there be, any vessels under the Russian flag engaged in sealing—the Imperial Government consider that for the current year it would be more simple and practical to submit the new prohibited zones, as is the case as regards territorial waters, to the exclusive supervision of the cruizers of the Imperial navy, who would continue to conduct to Petropaulovsk all vessels caught trespassing until the conclusion of an ulterior agreement.

By accepting four points out of five in the English proposal, and by only objecting to the complete and immediate application of one of the five points, the Imperial Government give evidence of their sincere wish to see the pending negotiations result in an understanding sufficient to prevent their partial objection, based upon purely geographical considerations, from being interpreted as a sign of mistrust.

If the British Government on their side should accept, as I firmly hope, the whole of the *modus agendi* explained above, it might be considered that provision had been made against all possible complications for the current sealing season, and, on the other hand, the necessary time would have been gained for the negotiation of a more definite *modus vivendi*.

Accept, &c.
(Signed) CHICHKINE.

Inclosure 2 in No. 17.

Sir R. Morier to M. Chichkine.

Chère Excellence, *St. Petersburgh, April* 6, 1893.

I HAVE just received your note on the subject of the seals, and have only a few moments before my departure within which to give you my first impressions.

I perfectly understand the practical difficulties in the way of the Russian cruizers delivering their captures to the British cruizers or at a British port. On the other hand, I think I may state confidently that Her Majesty's Government would not consider themselves justified in handing over British subjects and property captured outside of *bonâ fide* territorial waters to the jurisdiction of any Government but their own. But there ought to be some way of turning the difficulty, such, for instance, as a British cruizer being stationed at Petropavlovsk or Vladivostock.

I have, &c.
(Signed) R. B. D. MORIER.

No. 18.

The Earl of Rosebery to Mr. Howard.

Sir, *Foreign Office, May 3, 1893.*

HER Majesty's Government have had under their careful consideration the note from M. Chichkine, forwarded in Sir R. Morier's despatch of the 18th ultimo, relative to the proposed arrangement for the protection of Russian sealing interests in the North Pacific Ocean during the present year.

They note with satisfaction that their proposals for this purpose are accepted by the Russian Government with one exception, and they trust that the difficulty in regard to this single point will be removed by the suggestion which has since been made, that any British vessels which may be seized by Russian cruizers on the charge of contravening the Agreement shall be delivered at Yokohama for adjudication by the British Consular Court there.

In the hope that this matter will have been satisfactorily settled before this despatch reaches you, I inclose herewith the draft of an Agreement embodying the principles of the arrangement, which you are empowered to sign at once with M. Chichkine or any other member of the Russian Government who may be similarly authorized to that end.

In case of any alterations being suggested in the wording of the Agreement, you will report them by telegraph.

You will impress upon the Russian Government that a speedy conclusion is of capital importance, in order that the necessary legislation may be at once obtained from Parliament, and public notice given to all concerned.

For this reason, I defer for the present any discussion on the claim which appears to be advanced in M. Chichkine's note, of a right on the part of Russia to take of her own motion, and without previous agreement with other Powers concerned, the measures contemplated in the arrangement now under negotiation. It will be necessary, however, that in presenting the draft Agreement, you should intimate clearly that Her Majesty's Government cannot admit such a claim, and that they must reserve to themselves full freedom to object to any interference with British vessels outside Russian territorial waters, according to the usual acceptation of the term, which is not based on an express Agreement between the two Governments.

I am, &c.
(Signed) ROSEBERY.

Inclosure in No. 18.

Draft Agreement between Great Britain and Russia relative to the Seal Fisheries.

WITH the view to avoid difficulties in regard to the seal fisheries, and to aid in the preservation of the seal species, the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of All the Russias, have concluded the following Agreement:—

I.

During the year ending the 31st December, 1893, Her Britannic Majesty's Government will prohibit British subjects from killing or hunting seals within the following limits:—

(*a.*) Within a zone of 10 marine miles following the sinuosities of the Russian coasts which border on [illegible]ring Sea and any other part of the North Pacific Ocean.

(*b.*) Within a zone of 30 marine miles round the Komandorsky Islands, and round Tulénew (Robben Island).

II.

Her Britannic Majesty's Government engage to co-operate, with British cruizers, in preventing British subjects from killing or hunting seals within the aforesaid limits.

III.

British vessels engaged in killing or hunting seals within the aforesaid limits may be seized either by British or Russian cruizers; but, if seized by the latter, they shall forthwith be handed over at Yokohama, or at any port in the British possessions, or to the Commander of any British ship of war, for trial by the British authorities.

IV.

The Imperial Russian Government engage to limit to 30,000 the number of seals which may be killed during the whole of the year 1893 upon or around the said Islands of Komandorsky and Tulénew (Robben Island).

V.

It is agreed that a British Agent may, when so desired by Her Britannic Majesty's Government, visit the said islands to confer there with the authorities, and to inquire into the working and results of the present Agreement.

VI.

The present Agreement will in nowise affect the facilities hitherto accorded in Russian ports to British vessels as regards refuge, repairs, obtaining supplies, or other matters for which they may properly require access.

VII.

It is understood that the present Agreement relates solely to the year 1893. It has consequently no retroactive force or effect—more especially as regards the British vessels captured previously by Russian cruizers.

In witness whereof, the Undersigned, duly authorized to that effect, have signed this Agreement, and affixed thereto the seal of their arms.

Done at, &c.

No. 19.

Mr. Howard to the Earl of Rosebery.—(Received May 16.)

My Lord, *St. Petersburgh, May* 12, 1893.

I HAVE the honour to transmit herewith a copy of the note which, in obedience to your Lordship's instructions, I have addressed to the Russian Government in reply to the communication from M. Chichkine to Her Majesty's Ambassador of the 6th (18th) April last, relative to the proposed arrangements for the protection of Russian sealing interests in the North Pacific Ocean during the present year.

I have, &c.

(Signed) HENRY HOWARD.

Inclosure in No. 19.

Mr. Howard to M. Chichkine.

M. le Conseiller Privé, *St. Petersburgh, April* 30 (*May* 12), 1893.

IN obedience to instructions received from the Earl of Rosebery, I have the honour to inform your Excellency that Her Majesty's Government have had under their careful consideration the note which you addressed to Sir Robert Morier on the 6th (18th) April relative to the proposed arrangement for the protection of Russian sealing interests in the North Pacific Ocean during the present year, and that they note with satisfaction that their proposals for this purpose are accepted by the Russian Government with one exception.

I am desired to express the hope of Her Majesty's Government that the difficulty in regard to this single point may be removed by an arrangement which I am now instructed to propose: that any British vessels which may be seized by Russian cruizers on the charge of contravening the Agreement shall be delivered to Her

Majesty's cruizers at Yokohama, or at some place of rendezvous to be settled hereafter. I have been likewise instructed to transmit to your Excellency the inclosed draft of an Agreement embodying the principles of the arrangement, which I am empowered to sign at once with your Excellency or any other member of the Imperial Government who may be similarly authorized to that end; but I am requested at the same time to state that, should the Russian Government prefer it, Her Majesty's Government are ready to consent to the Agreement being recorded in an exchange of notes.

Finally, I am to add that, in view of the capital importance of a speedy settlement, Her Majesty's Government refrain from any discussion of the propositions advanced in your Excellency's note of the 6th (18th) April to Her Majesty's Ambassador, but that it must be understood that they cannot admit any claim on the part of Russia to take measures of the nature contemplated in the arrangements of her own motion, and without previous agreement with other Powers concerned, and that Her Majesty's Government must reserve to themselves full freedom to object to any interference with British vessels outside Russian territorial waters according to the usual acceptation of the term which is not based on an express agreement between the two Governments.

I avail, &c.
(Signed) HENRY HOWARD.

No. 20.

Mr. Howard to the Earl of Rosebery.—(Received May 26.)

My Lord, *St. Petersburgh, May* 23, 1893.

I HAVE the honour to transmit herewith a copy of the reply of the Russian Government to the note which, in obedience to your Lordship's instructions, I addressed to them on the 12th instant on the subject of the proposed Arrangement for the protection of Russian sealing interests in the North Pacific during the present year.

I have, &c.
(Signed) HENRY HOWARD.

Inclosure in No. 20.

M. Chichkine to Mr. Howard.

M. le Chargé d'Affaires, *St. Pétersbourg, le* 10 (22) *Mai*, 1893.

EN réponse à votre communication en date du 30 Avril (12 Mai) j'ai l'honneur de vous informer que le Gouvernement Impérial, tout en acceptant le projet d'Arrangement annexé à cette communication, préfère lui donner le caractère d'un échange de notes pour les raisons suivantes:—

Parce que la rédaction trop concise du projet susmentionné laisserait la porte ouverte à certains malentendus, et peut-être même à des complications qu'il serait désirable d'éviter;

Parce que le Gouvernement Impérial ne saurait adhérer au projet en question sans quelques réserves destinées à sauvegarder sa liberté d'appréciation dans l'avenir.

Il est bien entendu que l'entente à établir entre nos deux Gouvernements laisserait intacts tous les droits de la Russie dans les eaux territoriales.

Quant à nos réserves, elles porteraient sur les points ci-dessous.

1. En consentant à livrer aux autorités Britanniques les navires Anglais qui s'occupent de la chasse des otaries dans les zones prohibées, nous ne voulons nullement préjuger, en général, la question des droits d'une Puissance riveraine d'étendre sa juridiction territoriale dans certains cas spéciaux au delà de ses eaux territoriales proprement dites.

2. Le Gouvernement Impérial entend garder son entière liberté quant au choix, dans l'avenir, entre les deux systèmes de protection des otaries, soit au moyen d'une zone prohibée, soit au moyen d'une défense complète de la chasse pélagique ou de sa réglementation en pleine mer.

3. L'Arrangement actuel ne pourrait servir à aucun titre de précédent et n'aurait à nos yeux qu'un caractère essentiellement provisoire pour le cas présent.

Ces réserves faites, nous adhérons à la proposition Britannique dans les termes suivants :—

1. Pendant l'année prenant fin le 31 Décembre, 1893, le Gouvernement Anglais défendra à ses sujets la chasse aux otaries dans une zone de 10 milles maritimes sur toutes les côtes Russes de la Mer de Behring et de l'Océan Pacifique du Nord; ainsi que dans une zone de 30 milles maritimes autour des Iles Komandorski et Tuliniew (Robbin Island).

2. Les navires Anglais qui se livrent à la chasse des otaries dans les zones susmentionnées en dehors des eaux territoriales de la Russie, peuvent être arrêtés par les croiseurs Russes pour être remis aux croiseurs Anglais, ou bien aux autorités Britanniques les plus proches. En cas d'empêchement ou de difficulté, le Commandant du croiseur Russe peut se borner à saisir les papiers de bord des navires susmentionnés, afin de les remettre à un croiseur Britannique, ou de les expédier aux autorités Anglaises les plus voisines, à la première possibilité.

3. Le Gouvernement Britannique s'engage à faire juger par les Tribunaux ordinaires et offrant toutes les garanties nécessaires les navires Anglais qui seraient arrêtés comme s'étant occupés de la chasse défendue dans les zones prohibées en dehors des eaux territoriales Russes.

4. Le Gouvernement Impérial limitera à 30,000 têtes le nombre des otaries à tuer sur les côtes des Iles Komandorski et Tuliniew (Robbin Island) dans le courant de l'année 1893.

5. Un Agent du Gouvernement Britannique pourra être admis sur les îles susmentionnées (Komandorski et Tuliniew) afin de recueillir auprès des autorités locales toutes les informations nécessaires sur le fonctionnement et les résultats de l'entente convenue, mais en ayant soin d'informer préalablement ces autorités du lieu et de l'époque de sa visite, qui ne saurait d'ailleurs se prolonger au delà de quelques semaines.

6. L'arrangement actuel n'aura pas de force rétrospective quant à la saisie des navires Anglais arrêtés antérieurement par les croiseurs de la marine Impériale.

Ces points étant basés sur les notes précédemment échangées entre nos deux Gouvernements ainsi que sur le texte des dernières propositions Anglaises, nous espérons, M. le Chargé d'Affaires, que le Gouvernement de Sa Majesté Britannique jugera désormais l'entente entre nous comme entièrement établie quant au régime de la pêche aux otaries pour le courant de l'année présente.

Veuillez, &c.
(Signé) CHICHKINE.

(Translation.)

M. le Chargé d'Affaires, *St. Petersburgh, May* 10 (22), 1893.

IN reply to your communication of the 30th April (12th May), I have the honour to inform you that the Imperial Government, while accepting the draft arrangement annexed to that communication, prefer to give it the character of an exchange of notes, for the following reasons :—

Because the too concise wording of the above-mentioned draft would leave room for certain misunderstandings, and perhaps even for complications, which it would be desirable to avoid;

Because the Imperial Government could not agree to the draft in question without some reservations designed to safeguard their freedom of judgment in the future.

It is understood that the agreement to be arrived at between our two Governments will leave intact all the rights of Russia in her territorial waters.

As to our reservations, they refer to the points mentioned below :

1. In consenting to hand over to the British authorities the English ships engaged in sealing within the prohibited zones, we do not wish to prejudice, generally, the question of the rights of a riverain Power to extend her territorial jurisdiction in certain special cases beyond waters properly called territorial.

2. The Imperial Government desire to preserve complete liberty of action as to choosing in the future between the two systems of protecting seals, either by the method of a prohibited zone, or by the method of entirely prohibiting pelagic sealing, or regulating it in the open sea.

3. The present arrangement cannot in any manner be considered as a precedent, and will be looked upon by us as of an essentially provisional nature, intended to meet present circumstances.

With these reservations, we accept the British proposal in the following terms :—

1. During the year ending the 31st December, 1893, the English Government will prohibit their subjects from hunting seals within a zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean; as well as within a zone of 30 marine miles round the Komandorsky Islands and Tulénew (Robben Island).

2. English vessels engaged in hunting seals within the aforesaid zones beyond Russian territorial waters may be seized by Russian cruizers, to be handed over to English cruizers or to the nearest British authorities. In case of impediment or difficulty, the Commander of the Russian cruizer may confine himself to seizing the papers of the afore-mentioned vessels, in order to deliver them to a British cruizer, or to transmit them to the nearest English authorities, on the first opportunity.

3. Her Majesty's Government engage to bring to trial before the ordinary Tribunals, offering all necessary guarantees, the English vessels which may be seized as having been engaged in sealing within the prohibited zones beyond Russian territorial waters.

4. The Imperial Government will limit to 30,000 the number of seals which may be killed during the year 1893 on the coasts of the Islands of Komandorsky and Tulénew (Robben Island).

5. An Agent of the British Government may visit the afore-mentioned islands (Komandorsky and Tulénew) in order to obtain from the local authorities all necessary information on the working and results of the agreement arrived at, but care should be taken to give previous information to these authorities of the place and time of his visit, which should not be prolonged beyond a few weeks.

6. The present arrangement has no retroactive force as regards the British vessels captured previously by the cruizers of the Imperial Marine.

These terms being based upon the notes previously exchanged between our two Governments, as well as upon the text of the latest English proposals, we hope, M. le Chargé d'Affaires, that Her Britannic Majesty's Government will consider the understanding between us to be entirely established from this time forward as regards the regulation of seal fisheries during the present year.

Accept, &c.
(Signed) CHICHKINE.

No. 21.

The Earl of Rosebery to Mr. Howard.

(Telegraphic.) *Foreign Office, May* 29, 1893.

I HAVE received your despatch of the 23rd instant, inclosing a note from M. Chichkine, defining the terms of the arrangement for the protection of the Russian seal fisheries during the present year, to which the Russian Government are prepared to agree.

I have to instruct you to address a note to the Russian Government in reply, stating that this arrangement is accepted by Her Majesty's Government as a temporary agreement for the current year, and that they will take immediate steps to procure the legislation necessary for carrying it into execution.

With regard to the reservations made in M. Chichkine's note, you will state that Her Majesty's Government have taken note of them, but do not at present propose to discuss them; that, on the other hand, they must adhere to the reservation previously made by them, and contained in your note of the 12th of this month, and that it is understood that the rights and position of either Power are in no way affected by the conclusion of this provisional arrangement.

You should inform the Russian Government, at the same time, that we propose to lay the correspondence at once before Parliament.

No. 22.

Sir R. Morier to the Earl of Rosebery.—(Received May 30, 9·45 P.M.)

(Telegraphic.) *St. Petersburgh, May 30, 1893, 6·12 P.M.*

IN pursuance of your Lordship's instructions as conveyed in your telegram of yesterday, I have this day addressed a note to the Russian Government in the following terms:—

"Your Excellency's note of the 10th (22nd) instant on the subject of the seal fisheries in the North Pacific was forwarded without delay to Her Majesty's Principal Secretary of State, and I am now instructed by Her Majesty's Government to state that they accept, as a provisional agreement applying to the present year only, the arrangement for the protection of the Russian sealing interests as defined in that note. They will forthwith invite Parliament to enact the legislation which is necessary to carry the Agreement, so far as it binds Great Britain, into effect.

"With reference to the general reservations contained in your Excellency's note, Her Majesty's Government, while taking note of them, have instructed me to abstain from discussing them at present, but to inform the Imperial Government that they, on their side, maintain to the full the reservations made by them as formulated in Mr. Howard's note to your Excellency of 30th April (12th May). It is understood, therefore, that the rights and position of neither Power are in any way prejudiced by this provisional arrangement."

RUSSIA. No. 1 (1893).

Correspondence respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific Ocean during the year 1893.

Presented to both Houses of Parliament by Command of Her Majesty. June 1893.

LONDON:
PRINTED BY HARRISON AND SONS

RUSSIA. No. 1 (1893).

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